

Message Text

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PAGE 01 STATE 056532
ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 FCSC-01 EB-08 TRSE-00 SS-15
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DRAFTED BY L: S M SCHWEBEL
APPROVED BY L: S M SCHWEBEL
EUR/CE MR. CASAGRANDE
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FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE
INFO AMCONSUL MUNICH PRIORITY
AMEMBASSY BERLIN

C O N F I D E N T I A L STATE 056532

MUNICH FOR CHARIG

E.O. 11652: GDS

TAGS: CPRS,PGOV, GW, US, GE

SUBJECT: OVERLAPPING GERMAN CLAIMS

REF: (A) STATE 054306; (B) MUNICH 01183

1. PURSUANT TO REFTEL (A), WE CALLED IN VON SCHMELING AND REVIEWED ISSUE OF OVERLAPPING GERMAN CLAIMS, WITH WHICH HE HAD LIMITED FAMILIARITY. COUNSEL OF FCSC TOOK PART.

2. WE STRESSED DESIRABILITY OF FRG DESISTING FROM SEEKING TO APPEAL THE FREYMUTH AND LIKE CASES AND THE IMPORTANCE WE ATTACH TO A PROMPT LIFTING OF SUSPENSION OF PAYMENTS OF CLAIMS. IN ADDITION TO THE STRONG EQUITABLE CASE FOR ENDING SUSPENSION, WE NOTED THAT, IN THE ABSENCE OF SUSPENSION, CONFIDENTIAL

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PAGE 02 STATE 056532

THERE IS POSSIBILITY THAT REPRESENTATIVES OF THOSE ADVERSELY AFFECTED WILL SEEK TO AMEND RELEVANT U.S. LEGISLATION. WE NOTED THAT INTRODUCING ISSUE OF OVERLAPPING CLAIMS IN CONGRESS AND PUBLICLY WOULD BE UNFORTUNATE.

3. NOTING THAT DR. RUMPF HAD RAISED THE QUESTION OF A USG

ASSURANCE WHICH MIGHT FACILITATE LIFTING THE SUSPENSION, WE
PASSED SCHMELING THE FOLLOWING:

IF THE FRG IS PREPARED TO LIFT ITS SUSPENSION OF PAYMENTS
WITH RESPECT TO ALL BENEFICIARIES OF US NATIONALITY WHOSE

PAYMENTS HAVE BEEN, ARE, OR MAY BE SUSPENDED, PROMPTLY
AFTER RECEIPT OF THE FOLLOWING ASSURANCE FROM THE USG,
THE USG WOULD BE PREPARED TO ASSURE THE FRG THAT: UPON
THE DISCHARGE BY THE GDR OF ITS OBLIGATIONS TO THE USG
UNDER A CLAIMS AGREEMENT BETWEEN THEM, THE USG WILL BE
PREPARED TO CONSULT FULLY AND CONSTRUCTIVELY WITH THE
FRG WITH A VIEW TO FACILITATING PAYMENT TO THE FRG
OF ANY SUMS TO WHICH IT MAY BE EQUITABLY ENTITLED
IN VIEW OF THE IMPLEMENTATION OF THE CLAIMS AGREEMENT
BETWEEN THE GDR AND THE USG AND OF PAYMENTS BY THE FRG TO
THE SAME CLAIMANTS FOR THE SAME PROPERTY LOSSES. VANCE

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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